

JUL 28 2025

PER 
DEPUTY CLERK

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

MARYANN BUTLER and AUDURY PETIE DAVIS,

Plaintiffs,

v.

NEW AMERICAN FUNDING,

Defendant.

Civil Action No. 1:25-cv-00690-PJC

**JUDICIAL NOTICE OF COUNSEL MISCONDUCT, INSURANCE EXPOSURE,
AND REGULATORY ESCALATION (INCLUDING PHRC CORRESPONDENCE)**

Plaintiffs respectfully submit this Judicial Notice to preserve the record regarding demonstrable misconduct by attorney John Q. Howard, and to place the Court and Defendant's new counsel, Fox Rothschild LLP, on formal notice of the following:

1. Documented Threats and Procedural Misconduct by John Q. Howard

Prior to any formal appearance, Mr. John Q. Howard sent threatening correspondence on Fox Rothschild LLP letterhead following a good-faith outreach by Plaintiffs to counsel of record, James McNally. These threats were issued after Plaintiffs submitted credible evidence of imminent third-party harm and while seeking cooperative resolution. No appearance had been filed by Mr. Howard at that time.

These actions raise severe ethical and procedural red flags and will not be forgotten.

2. Fox Rothschild LLP Is Now Formally Entrenched in Liability Exposure

Despite Mr. Howard's misconduct, Fox Rothschild LLP has since entered appearance, suggesting either ratification of his prior threats or negligent disregard of their origin. Plaintiffs expressly reserve the right to seek regulatory, professional, and financial sanctions including piercing to the firm's E&O insurance coverage for any effort to further intimidate, sabotage, or delay this matter.

- This submission supports Plaintiffs' emergency request for protective relief, as detailed in their appellate pleadings and verified declaration.

2. Pending Emergency IFP Status

As of the date of this Notice, Plaintiffs' application for in forma pauperis (IFP) status remains pending before the Third Circuit. The Court has docketed the appeal and is expected to rule on the IFP motion imminently. This Notice is filed to preserve all appellate and district-level rights regardless of outcome, particularly as the submission involved substantial evidence with third-party consequences.

3. Certified Mailing Proof Attached as Exhibit Z

A certified proof of mailing showing the envelope was sent to the Third Circuit is attached and marked as Exhibit Z. This serves as confirmation that the USB evidence and physical exhibits were properly submitted and received in good faith.

4. Purpose of Judicial Notice

This filing formally places the District Court on notice of the Third Circuit's possession of the same critical evidence particularly the USB recording, Supplemental Exhibit B, and other materials that support both emergency relief and evidentiary preservation. Plaintiffs respectfully maintain that the record now implicates exposure for multiple parties, including regulatory liability, civil rights retaliation, and obstruction of financial resolution due to third-party roofing contract fallout.

VERIFICATION

I, Audury Petie Davis, declare under penalty of perjury under the laws of the United States that the foregoing facts in this Judicial Notice are true and correct to the best of my knowledge.

Executed on: July 28, 2025

/s/ Audury Petie Davis

Audury Petie Davis

Authorized Agent and Co-Plaintiff

1823 State Street

Harrisburg, PA 17103

3. Plaintiffs Do Not Consent to Any Counsel Who Attempts to Bypass, Undermine, or Disregard Prior Harm

Defendant's new counsel, Ronald L. Williams, has initiated contact solely with Maryann Butler, without direct communication to Audury Petie Davis despite the fact that Mr. Davis has been acting as the point of contact and lead filer from the outset. Any continued attempts to divide plaintiffs or engage in strategic backdoor communication will be interpreted as bad faith.

4. PHRC Coordination and September Meeting

Plaintiffs hereby provide notice that they have scheduled a formal meeting with the Pennsylvania Human Relations Commission (PHRC) in September 2025. Correspondence with PHRC Representative Katie Bulakowski has been professional, and Plaintiffs thank her for her attentiveness.

As part of continued transparency, and out of respect, Plaintiffs may reference redacted versions of PHRC correspondence within future filings if such references assist in regulatory protection or judicial relief.

5. Ongoing Appellate Exposure in Third Circuit

The Third Circuit has received Plaintiffs' USB and exhibits. Defendant and its counsel should assume that all conduct, including off-record threats and strategic suppression, are now subject to federal appellate review. The window for plausible deniability is closing.

VERIFICATION

I, Audury Petie Davis, hereby verify under penalty of perjury under the laws of the United States that the foregoing notice is true and correct to the best of my knowledge and belief.

Date: July 28, 2025

Signed: /s/ Audury Petie Davis

Plaintiff & Authorized Agent for Maryann Butler

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 2025, a true and correct copy of the foregoing Judicial Notice and Verified Declaration was filed with the Court via PACER (Electronic Case Filing), thereby serving all counsel of record who have entered an appearance in this case.

Because of unclear or shifting representation on the defense side including but not limited to Ronald L. Williams, James McNally, and John Q. Howard, Plaintiffs respectfully rely on PACER service for all parties to receive proper notice.

Respectfully submitted,

/s/ Audury Petie Davis

Audury Petie Davis

Pro Se Plaintiff